IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5438 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANAR GRAM PANCHAYAT THROUGH SARPANCH

Versus

STATE OF GUJARAT

Appearance:

NANAVATY ADVOCATES for Petitioner No. 1
MR LR PUJARI AGP for Respondents No. 1-2
MR PR NANAVATI for Respondent No. 3

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 11/10/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Learned counsel for the parties informed this Court that the matter can be disposed of without entering

into the merits of the case as the petitioner - Manar Gram Panchayat as well as the respondent no. 3 - Gujarat Maritime Board (hereinafter referred to as "respondent Board" for brevity) have reached to a consensus wherein the petitioner has agreed that the petitioner will have no objection if 7 Hectare out of 15 Hectare of land in question, is given to the respondent Board for the purpose of solid waste disposal and the resolution to that effect has already been passed by the petitioner on 20-9-2001.

3. Leaned counsel for the respondent Board has also fairly stated at the Bar that the respondent Board has no objection if their demand is reduced to 7 Hectare of land and the respondent Board will be satisfied if 7 Hectare out the land bearing Survey No. 325/1/1 of village Manar is given to the respondent Board. It is also further agreed between the petitioner and the respondent Board that the petitioner will have also no objection if the respondent Board is allotted 7 Hectare of land of its choice for the purpose of solid waste disposal out of total 15 Hectare of land earlier allotted to the respondent Board.

4. In view of the aforesaid consensus arrived at between the petitioner and respondent no. 3, the matter is remanded back to the respondent no. 2 Collector, Bhavnagar with a direction to pass appropriate order allotting 7 Hectares of land out of Survey No. 325/1/1 of village Manar, out of total 15 Hectares of land earlier allotted to the respondent Board of choice of the respondent Board. It is an admitted fact that the respondent Board has already paid an amount of Rs.03,00,00000/(three crores only) towards the cost of total 15 hectors of land of Survey No. 325/1/1 of village Manar as per the valuation of the respondent no. 2. Since, now the respondent Board has reduced its claim to 7 hectors of land only, the proportionate cost of the land shall be refunded to the respondent Board by the respondent no. 2, within a period of three months from the date of passing of the order by the respondent no. 2.

5. Accordingly, this petition is allowed in part. The matter is remanded back to the respondent no. 2 for further necessary action, as aforesaid. Rule is made absolute, with no order as to costs.

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/JVSatwara/